

Appl. No. : 09/809,545
Filed : March 14, 2001

REMARKS

Claims 1-26 are pending in the application. Claims 8-19 are withdrawn from prosecution. Claims 1-7 and 20-26 are currently under prosecution. Claim 2 has been amended.

The specific changes to the amended claim are shown on a separate set of pages attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages, the insertions are underlined while the ~~deletions are stricken through~~.

Election of SEQ ID NO: 1

In response to the Communication mailed January 13, 2003, Applicants provisionally elect to prosecute SEQ ID NO: 1 with the subject matter previously elected. In the previous response, Applicants provisionally elected, with traverse, to prosecute the claims of Group I. Group I, as noted by the Examiner in the subject Official Action, comprises Claims 1-7 and 20-26, which are drawn to nucleic acids, vectors, oligonucleotide arrays, nucleic acid hybridization assays, and kits, classified in class 536, subclass 23.1 and class 435, subclasses 320.1, 252.3, 325, 69.1, and 6. Applicants also respectfully reserved the right to rejoin any cancelled claims in view of the rejoinder doctrine.

Claim 23

Applicants have amended Claim 23 to recite a diagnostic kit comprising an antibody to a polypeptide of any one of the sequences selected from the group consisting of: SEQ ID NOS: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 33, 35, 37, 39, 41, 43, 46, 51, 53, 55, 57, 59, 63, 67, 69, 72, 74, 76, and a further mammalian homologue thereof.

Regarding the select of sequences requested by the Examiner in the original action, Applicants select SEQ ID NOS: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 33, 35, 37, 39, 41, 43, 46, 51, 53, 55, 57, 59, 63, 67, 69, 72, 74, 76. As Applicants elected SEQ ID NO: 1 above, Applicants respectfully suggest that the Examiner begin his search of the art for antibodies that recognize the polypeptide encoded by SEQ ID NO: 2.

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CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

6 FEB 2003

By: _____

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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IN THE CLAIMS

Please amend Claim 23 to read as follows:

23. The diagnostic kit of claim 22 further comprising ~~at least one of the following~~
components:

- (a) an oligonucleotide probe;
- ~~(b) a PCR reagent;~~
- ~~(c) a detectable label;~~
- ~~(d) a biological sample taken from a human subject; and~~
- ~~(e) an antibody to a polypeptide of any one of the sequences selected from the~~
group consisting of: SEQ ID NOS: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 33,
35, 37, 39, 41, 43, 46, 51, 53, 55, 57, 59, 63, 67, 69, 72, 74, 76, and a further mammalian
homologue thereof.

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